

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. 21-cv-1198 WJ/SMV
20-cr-0245 WJ**

SERGIO ALBERTO ORNELAS-ORTEGA,

Defendant/Petitioner.


**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PF&RD"), filed November 14, 2022. [Doc. 9]¹. On reference by the undersigned, the Honorable Stephan M. Vidmar, recommended denying Defendant Sergio Alberto Ornelas-Ortega's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence . . . [Doc. 1, CR Doc. 33]. No party has filed objections to the PF&RD, and the time for doing so has passed.²

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the PF&RD [Doc. 9] is **ADOPTED**. **IT IS FURTHER ORDERED** that Defendant Sergio Alberto Ornelas-Ortega's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence . . . [Doc. 1, CR Doc. 33] is **DENIED**. Case number 21-cv-1198 WJ/SMV is **DISMISSED with prejudice**.

¹ References herein are to case number 21-cv-1198 WJ/SMV, unless labeled "CR", which refers to the underlying criminal case, 20-cr-0245 WJ.

² The PF&RD was originally mailed to Defendant at the Dalby Correctional Facility in Post, Texas, but it was returned as undeliverable. [Doc. 10]. Although not required, the Court Clerk investigated and found that Defendant had been moved to FCI Elkton. The PF&RD was re-sent to Petitioner at FCI Elkton on November 28, 2022. More than 14 days have passed since then. The objections period, even if extended to account for Defendant's move, has elapsed.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE